

1 THE HONORABLE JOHN C. COUGHENOUR  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SUMMER DAWN TURNER,

CASE NO. C22-0123-JCC

Plaintiff,

MINUTE ORDER

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court *sua sponte*. The Honorable Michelle L. Peterson, United States Magistrate Judge, granted Plaintiffs' motion to proceed *in forma pauperis* and recommended the complaint be reviewed under 28 U.S.C. § 1915(e)(2)(B) prior to the issuance of a summons. (Dkt. No. 4.) Once a complaint is filed *in forma pauperis*, the Court must dismiss it prior to service if it "fails to state a claim on which relief can be granted." 28 U.S.C. § 1915(e)(2)(B)(ii); *see Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000).

To state a claim for relief, a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). The statement must be sufficient to "give the defendant fair notice of what the . . . claim is and the grounds upon

1 which it rests.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). This requires the  
2 inclusion of sufficient factual matter, accepted as true, to state a claim for relief that is plausible  
3 on its face. *Ashcroft v. Iqbal*, 556 U.S. 662, 664 (2009). Otherwise, the complaint must be  
4 dismissed, either because it lacks a cognizable legal theory or states insufficient facts to support a  
5 cognizable legal theory. *Zixiang v. Kerry*, 710 F.3d 995, 999 (9th Cir. 2013).

6 Plaintiff alleges that she was terminated, refused shelter, and had her “emails and  
7 personal accounts erased and stolen . . . including school/disability paperwork.” (Dkt. No. 5 at 5.)  
8 She argues these acts constitute 5th, 6th and 11th Amendment violations. (*Id.* at 5.) In her  
9 complaint, she names Washington State, Facebook, and BCforward as Defendants in this action.  
10 (*Id.* at 2.) But Plaintiff fails to adequately allege *which* Defendant is responsible for *which* act  
11 and *how* the acts violated Plaintiff’s constitutional rights. (*See generally id.*) Therefore,  
12 Plaintiffs’ complaint fails to allege sufficient facts to place Defendants on fair notice of the  
13 nature of Plaintiffs’ claims.

14 Accordingly, the Court ORDERS Plaintiff to show cause why her complaint should not  
15 be dismissed for failure to state a claim. Plaintiff may do so by filing an amended complaint  
16 within thirty (30) days of the issuance of this order. If, in the amended complaint, Plaintiff fails  
17 to state sufficient facts to support a cognizable legal theory, the complaint will be dismissed. The  
18 Clerk is DIRECTED to mail a copy of this order to Plaintiff.

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20 DATED this 4th day of February 2022.

21  
22 Ravi Subramanian  
23 Clerk of Court  
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25  
26 s/Sandra Rawski  
27 Deputy Clerk